Office of the Information and Privacy Commissioner for British Columbia

2016/2017 ANNUAL REPORT

Office of the Information & Privacy Commissioner for British Columbia

Protecting privacy. Promoting transparency.

Who we are

Established in 1993, the Office of the Information and Privacy Commissioner provides independent oversight and enforcement of BC's access and privacy laws, including:

- The ***Freedom of Information and Protection of Privacy Act*** (FIPPA), which applies to over 2,900 "public bodies," including ministries, local governments, schools, crown corporations, hospitals, municipal police forces, and more;
- The ***Personal Information Protection Act*** (PIPA), which applies to over 380,000 private sector "organizations" including businesses, charities, associations, trade unions, and trusts.

Drew McArthur is BC's Acting Information and Privacy Commissioner.

Our core values

Impartiality	We are independent and impartial regulators of British Columbia's access to information and privacy laws.
Expertise	We use our expertise to enforce and advance rights, resolve disputes, and encourage best practices.
Dedication	We are dedicated to protecting privacy and promoting transparency.
Respect	We respect people, organizations, public bodies, and the law.
Innovation	We are innovators and recognized leaders in the global community.

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Office of the
Information &
Privacy Commissioner
for British Columbia

Protecting privacy. Promoting transparency.

August 2017

Speaker of the Legislative Assembly of British Columbia
Room 207, Parliament Buildings
Victoria, BC V8V 1X4

Honourable Speaker:

In accordance with s. 51 of the *Freedom of Information and Protection of Privacy Act*, I have the honour of presenting the Office's Annual Report to the Legislative Assembly.

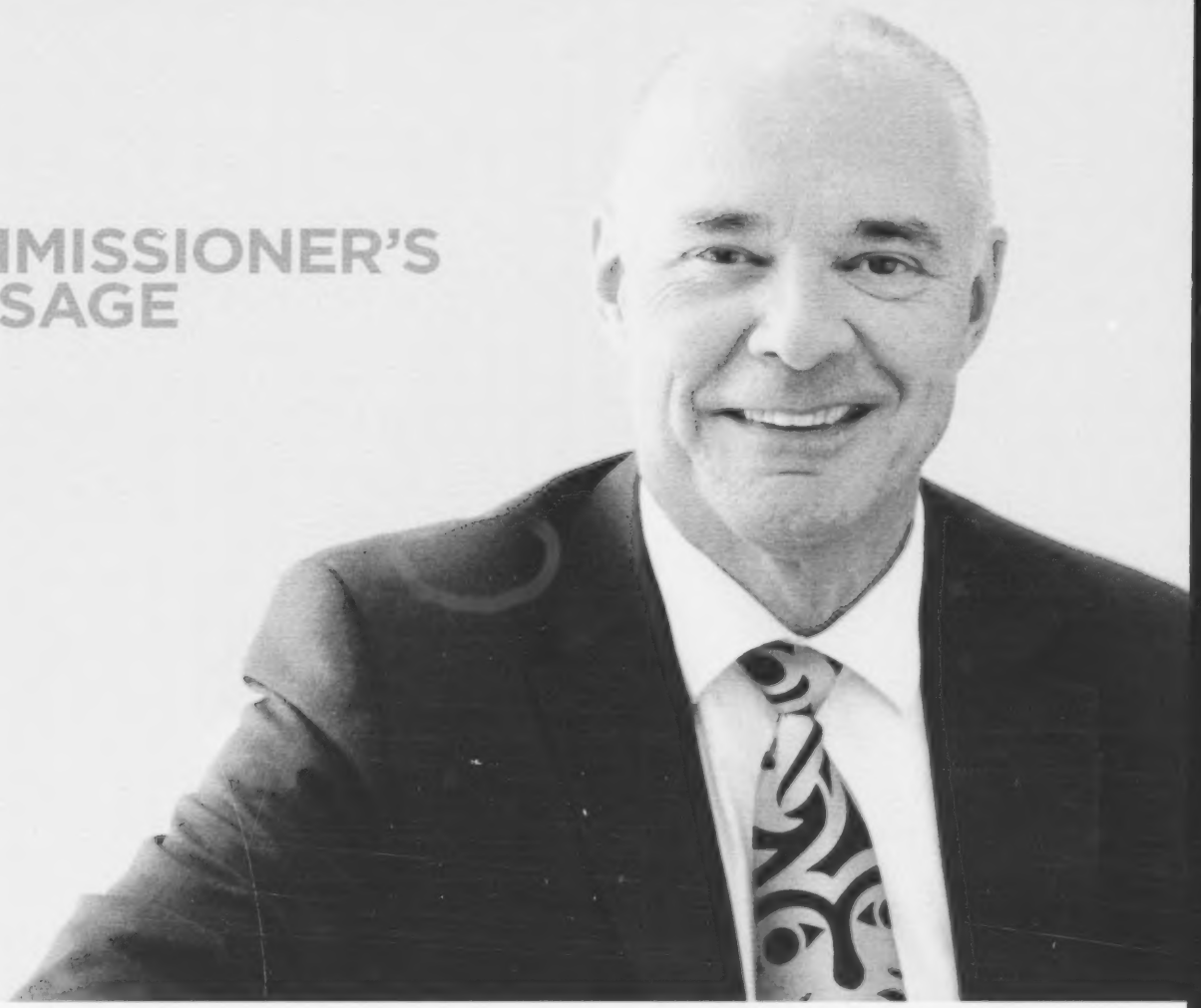
This report covers the period from April 1, 2016 to March 31, 2017.

Yours sincerely,

Drew McArthur

Drew McArthur
Acting Information and Privacy Commissioner
for British Columbia

COMMISSIONER'S MESSAGE



As Acting Information and Privacy Commissioner for BC, I am pleased to present our 2016-17 annual report. This past year has certainly been an interesting one.

As a member of the Office's External Advisory Board for six years prior to my appointment, I was aware of the office's operational challenges and opportunities before I assumed this role. One of my first priorities was to improve our service to the public by continuing to address the backlog of investigation files. I'm proud to say that the backlog has decreased from 242 on April 1, 2016 to 74 at the end of fiscal 2016-17. We have also reduced the time for files to be assigned to an investigator. This means more individuals are able to successfully exercise their access and privacy rights in BC.

This fiscal year we released four reports. In these reports, which you can read about in more detail over the following pages, we issued one order and made 36 recommendations. I am encouraged to see that most of them have been implemented.

We also conducted a public awareness survey — the first one undertaken by the Office of the Information and Privacy Commissioner for BC (OIPC) — to understand the level of privacy awareness in our province. The findings, detailed on page 20, will help us determine our outreach focus in coming years.

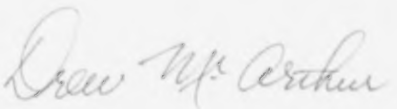
In addition to the work we do in BC, my Office also works closely with Canadian and international regulators. Recently, Canada's

"ONE OF MY FIRST PRIORITIES WAS TO IMPROVE OUR SERVICE TO THE PUBLIC BY CONTINUING TO ADDRESS THE BACKLOG OF INVESTIGATION FILES."

federal, provincial, and territorial privacy commissioners collaborated to provide a unified response to the federal Public Safety Minister's green paper on national security. We emphasized, among other points, the need for proper oversight of the surveillance activities of national security and law enforcement agencies. A copy of our joint submission is available on our website.

We are also continuing to monitor the upcoming May 2018 implementation of the European Union's *General Data Protection Regulation* (GDPR). The GDPR will significantly impact regulators and organizations around the world. Canada and British Columbia will both need to amend their legislation to maintain adequacy with EU regulations and continue to allow information to flow across boundaries while protecting individual privacy. We will provide more commentary on this in the future.

I'm very proud of my staff who demonstrate tremendous work ethic and dedication each day. I am privileged to have the opportunity to work with such skilled and dedicated individuals to further the privacy interests of BC citizens.



Drew McArthur
Acting Information and Privacy Commissioner for British Columbia

OUR WORK

Commissioner

The Information and Privacy Commissioner, an independent Officer of the Legislature, oversees the information and privacy practices of public bodies and private organizations. He has the legal authority to investigate programs, policies, or information systems in order to enforce compliance with BC's access and privacy laws. The Commissioner also reviews appeals of access to information responses, comments on the implications of new programs, policies, and technologies on access and privacy rights, and engages in public education and outreach activities.

In 2016-17, the Commissioner gave presentations at 22 events.

Intake

Intake Officers help individuals file a complaint or seek a review of an access to information request. They determine issues, assist individuals with forms and letters, and initiate the appropriate action. Intake officers are also first responders to privacy breach notifications. They can assist in early resolution of complaints and grant or deny a public body's time extension requests.

In 2016-17, Intake Officers received 166 privacy breach notifications, an increase of 8% over the previous year. They also processed 1,282 time extension requests, an increase of 75% compared to 2015-16.

Investigation & Mediation

OIPC investigators conduct investigations and mediations on access and privacy complaints, appeals of access to information requests, and privacy breach notifications. They review any records at issue or relevant facts and evidence and work with public bodies, organizations, complainants, and applicants to reach resolutions.

In 2016-17, more than 99% of all complaints were resolved without a formal hearing or inquiry.

Adjudication

When a complaint or request for review cannot be resolved between parties, the Commissioner or his delegate conduct a formal inquiry. Adjudicators assess the evidence and arguments and issue final and binding decisions that have the force of a court of law. Orders can be reviewed by the BC Supreme Court.

In 2016-17, the time needed to issue an order decreased by 14% compared to last year.

Policy & Technology

Policy analysts conduct research and analyze current and emerging access and privacy issues, conduct systemic investigations, review and comment on privacy impact assessments, and consult with public bodies and private organizations. They also review and analyze proposed legislation for implications to access and privacy rights of British Columbians.

In 2016-17, policy analysts conducted 49 privacy impact assessments and opened 186 policy or issue consultation files.

Audit & Compliance

The audit and compliance team proactively assesses compliance with the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act* and makes recommendations to improve practices, policies, guidelines, and legislation.

In 2016-17, the Commissioner published the OIPC's first ever audit report of a private sector business, a medical clinic located in the lower mainland.

Communications

The communications team publicizes the Commissioner's work and engages in public education and outreach to inform and empower individuals to exercise their information and privacy rights. The communications team is responsible for the Office's website, social media presence, media relations, corporate reporting, and open data/proactive disclosure.

In 2016-17, the communications team coordinated the OIPC's first ever public awareness survey. Over 1,000 British Columbians provided valuable feedback. Read more about the survey on page 20.

HIGHLIGHTS 2016-17

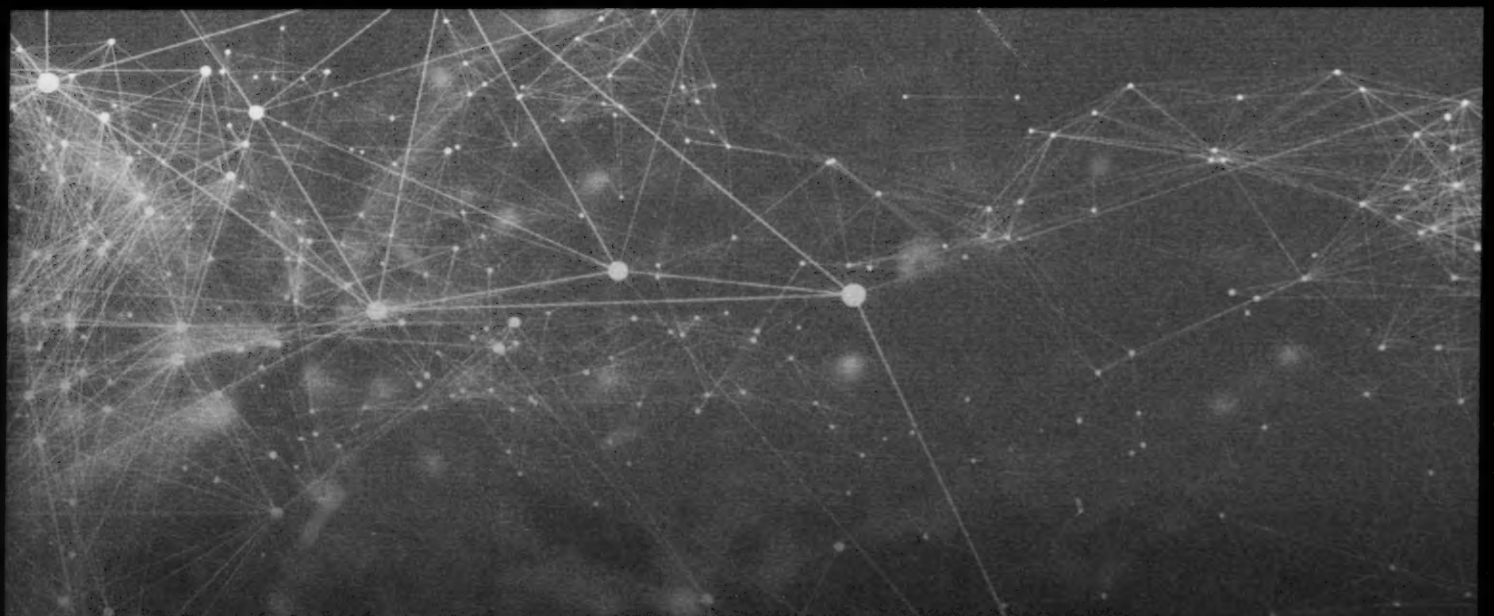
Commissioner audits City of Vancouver's freedom of information program

An audit by former Information and Privacy Commissioner Elizabeth Denham revealed deficiencies in how the City of Vancouver handled freedom of information requests. In her report, she recommended that the City improve policy and process weaknesses and stressed that the "duty to assist" applicants is an essential component of the *Freedom of Information and Protection of Privacy Act* (FIPPA). FIPPA requires public bodies to make every reasonable effort to assist each applicant openly, accurately, completely, and without delay. The report offered 12 recommendations for improvement, all of which were accepted by the City. These recommendations highlighted a need for improved response times for all applicants, especially media, and to communicate openly with each applicant, providing assistance throughout the entire request process. She also recommended that the City provide mandatory and routine training on access to information processes and the duty to assist applicants. The OIPC chose the City of Vancouver for this review because they manage the highest volume of FOI requests in BC. The Commissioner encouraged other BC municipalities to review the report and make improvements to their own processes and procedures.

DOWNLOAD: *Audit & Compliance Report F16-01: City of Vancouver Duty to Assist* (oipc.bc.ca).

Canadian regulators produce lesson plans for students

The OIPC worked with the Office of the Privacy Commissioner of Canada and other provincial and territorial regulators in November 2016 to develop a series of privacy lesson plans for Canadian students. The plans will be introduced in the 2017-18 school year and will help students from Grades 4 through 8 understand the implications of their online activities and develop good privacy habits at an early age.



GPEN regulators conduct sweep of Internet of Things devices

In April 2016, 25 privacy regulators participated in the fourth annual Global Privacy Enforcement Network (GPEN) privacy sweep of networked Internet of Things (IoT) devices. Participants selected more than 300 IoT devices or sectors and evaluated their privacy policies based on a common set of indicators, including the collection, use, and storage of data, and how easily a user can delete their personal data. Devices analyzed included smart meters, cars, TVs, fitness wearables, and connected medical devices. The OIPC examined the privacy policies of radio frequency identification devices (RFID) used to identify vehicles travelling over the Port Mann and Golden Ears Bridges in Greater Vancouver. While the analysis indicated some areas where those policies could improve, both public bodies consulted with the OIPC about how they manage personal information collected through their electronic tolling operations and both met their obligations under FIPPA. Globally, though, GPEN regulators found that the privacy policies of many networked devices fail to fully inform users about what happens to their personal information.

INFO: Global Privacy Enforcement Network (privacyenforcement.net).

OIPC audits Lower Mainland medical clinic

In an audit report released in December 2016, Commissioner McArthur recommended that a clinic in the Lower Mainland cease its collection of audio and video surveillance. This report, the OIPC's first audit of a private business, highlighted the significant gap between private sector business practices and legislative requirements. In many cases when a private business decides to implement video surveillance it is not authorized under the *Personal Information Protection Act* (PIPA). Read more about the report on page 14.

DOWNLOAD: *Over-collected and Overexposed: Video Surveillance and Privacy Compliance in a Medical Clinic* (oipc.bc.ca).

DOWNLOAD: *Guide to Using Overt Video Surveillance* (oipc.bc.ca).

HIGHLIGHTS 2016-17

OIPC investigates government's mobile device management

The OIPC investigated government employees' use of mobile devices concurrently with the Office of the Auditor General, with each Office producing its own report. The OIPC report found that government policies relating to mobile device use were confusing and sometimes contradictory. The two Offices also collaborated on a guidance document to help the public better secure their mobile devices. Read more about the report, beginning on page 18.

DOWNLOAD: *Investigation Report F16-03: Mobile Device Management in BC Government* (oipc.bc.ca)

DOWNLOAD: *Mobile Devices: Tips for Security & Privacy* (oipc.bc.ca).

Continuous improvement project yields results

In early 2015, the OIPC initiated a Continuous Improvement Project to improve the Office's intake and investigation processes and manage annual increases in the number of requests for information and appeals received by the Office. The backlog of case files has been reduced from 242 on April 1, 2016, to 74 as of the end of fiscal 2016-17 as a result of the implementation of this project and the focussed work of our staff. In 2016-17, the Adjudication team also participated in a Continuous Improvement Project.

READ: *About Us, Continuous Improvement* (oipc.bc.ca).

OIPC assumes role of secretariat for Asia Pacific Privacy Authorities

Beginning in July 2016, the OIPC assumed a leadership role as Secretariat for the Asia Pacific Privacy Authorities (APPA). The 19 regulators from 13 countries form partnerships and exchange ideas about privacy regulation, new technologies, and the management of privacy inquiries and complaints. The Office organizes twice yearly APPA forums and chairs eight APPA Governance Committee meetings annually. The OIPC will act as Secretariat until July 2019.

Public Awareness Survey polls British Columbians

The OIPC conducted a public survey in December 2016 to measure BC residents' level of awareness and attitudes about their privacy and access to information rights. Just under half of BC residents surveyed (46%) are familiar with the province's privacy and access to information laws. Read more about the report on page 20.

OIPC hosts national investigators' conference

In February 2017, the OIPC welcomed 37 investigators and intake officers from eight other Canadian regulators' offices for two days of educational seminars and presentations. "Investigatoria" offered attendees an opportunity to share best practices with their counterparts across the country and learn from experts in the field of privacy and access to information.

Commissioner orders Ministry of Environment to release soil test results

In an investigation report released in March 2016, former Commissioner Elizabeth Denham ordered the Ministry of Environment to disclose soil test results and other associated documents related to the contaminated Hullcar aquifer in Spallumcheen. This was the first s. 25 investigation since Commissioner Denham re-interpreted s. 25(1)(b) in 2015. Under the new interpretation, urgent circumstances are no longer required to trigger public interest disclosures. Read more about the report on page 16.

DOWNLOAD: *Clearly in the public interest: The Disclosure of Information Related to Water Quality in Spallumcheen* (oipc.bc.ca).

COMPLIANCE SUMMARY

SUMMARY OF COMPLIANCE WITH OIPC SPECIAL AND INVESTIGATION REPORTS 2016-17

INVESTIGATION/SPECIAL REPORT	SUMMARY/STATUS
June 13, 2016 *Audit and Compliance Report: City of Vancouver Duty to Assist*	This audit found flaws in almost every step of the City of Vancouver's freedom of information process. Key recommendations included improving response times, fully documenting each step, and providing training to staff. All 12 recommendations were fully implemented by the City.
June 29, 2016 *Clearly in the Public Interest: The Disclosure of Information Related to Water Quality in Spallumcheen*	This was the first s. 25 investigation since former Commissioner Elizabeth Denham reinterpreted s. 25(1)(b) of FIPPA, removing the requirement that urgent circumstances are necessary to trigger public interest disclosures. The OIPC issued one recommendation and two orders. The recommendation has been implemented. The ministry also accepted the Commissioner's orders to release all soil test results and nutrient management plans going forward.

INVESTIGATION/SPECIAL REPORT	SUMMARY/STATUS
October 18, 2016 *Mobile Device Management in BC Government*	The OIPC made 11 recommendations to the BC government to improve its policies and practices for mobile device use. Government has fully implemented two; six are in progress and near completion, and they are actively exploring three. The OIPC is working with government to ensure all recommendations are implemented.
December 8, 2016 *Over-collected and Overexposed: Video Surveillance and Privacy Compliance in a Medical Clinic*	The OIPC recommended that a medical clinic in the Lower Mainland immediately cease its collection of audio and video surveillance, develop and provide regular privacy training to staff, and properly secure patient records. All 12 recommendations have been fully implemented by the clinic.

OVER-COLLECTED AND OVEREXPOSED

AN OIPC AUDIT OF A LOWER MAINLAND MEDICAL CLINIC'S USE OF AUDIO AND VIDEO SURVEILLANCE EXPOSED A SIGNIFICANT GAP BETWEEN PRIVATE SECTOR PRACTICES AND LEGISLATIVE REQUIREMENTS, PROVIDING AN IMPORTANT LESSON FOR OTHER BC BUSINESSES.

DOWNLOAD:

Over-collected and Overexposed: Video Surveillance and Privacy Compliance in a Medical Clinic (oipc.bc.ca).

DOWNLOAD:

Getting Accountability Right with a Privacy Management Program (oipc.bc.ca).

Whether we're catching a bus to work, filling a prescription, or shopping for groceries, surveillance has become ubiquitous in our daily lives. Many public bodies and private sector organizations have installed video surveillance in an attempt to deter crime, gain evidence to help catch and prosecute criminals, and even manage employee performance. But these actions have unintended and far-reaching privacy implications, says Acting Commissioner Drew McArthur.

"I have serious concerns about how often we, as citizens, are being recorded, who's watching our activities, and what they are doing with the video record," he says. "In some limited circumstances, video surveillance is justified. But in other instances, it is invasive and excessive."

Following a complaint under BC's *Personal Information Protection Act* (PIPA), the OIPC

investigated a clinic that had implemented audio and video surveillance technology in its Lower Mainland office. In this first private sector audit, the OIPC determined that there wasn't enough evidence of a safety or security problem for the clinic to monitor and record the personal information of employees, patients, contractors and others.

OIPC investigators also found that the clinic did not have the consent of people who entered the premises and that the clinic was not in compliance with its duty under PIPA to protect the personal information in its custody.

Perhaps most importantly, the OIPC found that the clinic did not have an effective privacy management program. This is an important lesson for other private sector businesses, stresses McArthur:

"This audit report should encourage all businesses in BC to reflect on their own practices and amend them if necessary. If you are a business owner or operator, you need to adopt a privacy management program when considering the potential use of video surveillance."

The clinic has since complied with all 12 of the OIPC's recommendations and has ceased collecting personal information via video and audio surveillance. ■

CLEARLY IN THE PUBLIC INTEREST

AN OIPC INVESTIGATION INTO WATER QUALITY IN THE OKANAGAN REGION TESTED A NEW INTERPRETATION OF BC'S ACCESS TO INFORMATION LEGISLATION AND REQUIRED GOVERNMENT TO PROACTIVELY DISCLOSE INFORMATION THAT IS IN THE PUBLIC INTEREST.

DOWNLOAD:

Clearly in the Public Interest: The Disclosure of Information Related to Water Quality in Spallumcheen (oipc.bc.ca)

The work of the Office often touches on issues that directly impact BC citizens. This was the case with an investigation into water quality in the Township of Spallumcheen, a district municipality in the Okanagan region.

In March 2014, the Ministry of Environment informed approximately 200 residents in this agricultural region that their drinking water was no longer safe for infants and individuals with weakened immune systems to drink. The Ministry believed that the groundwater pollution was caused when liquid manure was applied to fields as fertilizer.

The ministry issued a compliance order to a Spallumcheen dairy farm located above the Hullcar aquifer, prohibiting it from applying liquid manure to its fields without their authorization. The Steele Springs Waterworks District notified residents about the water contamination issue in March 2014, followed in July by a water quality advisory from the Interior Health Authority.

Nitrate levels in the aquifer, however, remained above the acceptable levels set in the Canadian Drinking Water Guidelines. When the

University of Victoria's Environmental Law Centre (ELC) learned that the Ministry had approved four additional applications of liquid manure, they made an access to information request for the soil test results and nutrient management plans that informed the Ministry's decision.

Former Commissioner Elizabeth Denham initiated an investigation in February 2016 after receiving a complaint from the ELC alleging that the Ministry should have proactively disclosed information related to the water quality in the aquifer. The complaint also alleged that the ministry did not make every reasonable effort to respond to the initial access request.

This was the first s. 25 investigation since the Commissioner re-interpreted s. 25(1)(b) in the 2015 Mount Polley investigation to mean that urgent circumstances are no longer necessary to trigger public interest disclosures. The Commissioner found that a risk to clean drinking water constitutes a matter of public interest and that disclosure was needed to restore public confidence in the Ministry. She ordered the Ministry of Environment to disclose the soil test results and nutrient management plans. The Commissioner also recommended that the Ministry train staff to respond to access requests in a manner that complies with FIPPA. The recommendation has been implemented and the Ministry also accepted the Commissioner's orders. Two orders remain in effect until the water quality advisory issued for the aquifer by the Health Authority is rescinded.

To ensure safe drinking water for residents in the Hullcar Valley, the provincial government announced in March 2017 that it will provide $950,000 to support alternative drinking water sources, fund treatment for domestic well users, and support sustainable, environmentally appropriate farming. ■

MOBILE DEVICE MANAGEMENT

THE OIPC INVESTIGATED THE USE OF MOBILE DEVICES IN GOVERNMENT, REVIEWING HOW PERSONAL INFORMATION ON THESE DEVICES IS MANAGED.

DOWNLOAD:

Mobile Device Management in BC Government (oipc.bc.ca).

DOWNLOAD:

Mobile Devices: Top 15 Tips for Security & Privacy (oipc.bc.ca).

Not so long ago, public service employees used just two primary tools in their government offices — landlines and computers. Today, many employees also use mobile devices to conduct government business, raising unique concerns about the security of personal information.

When government employees interact with British Columbians using mobile devices, they often collect personal information through email, text messages, or photos. Though convenient, mobile devices can be easily lost or stolen, putting that personal information at risk. With this in mind, the OIPC initiated an investigation into government's mobile device management to review how personal information on mobile devices is managed.

The OIPC chose five ministries for the investigation, based on the number of devices in use and the sensitivity of information collected and stored. Investigators examined smartphones, tablet

computers, and other devices that use mobile-specific operating systems. The OIPC assessed whether the ministries had effective privacy management programs, whether the storage and retention of personal information accessed on mobile devices occurred only in Canada as required by s. 30.1 of FIPPA, and whether adequate security measures were in place to protect that information.

OIPC investigators found that the numerous government policies on mobile device use were confusing and sometimes contradictory. They also noted that, in some ministries, those responsible for privacy compliance were not able to implement and monitor technical controls. Additionally, government did not maintain an accurate inventory of mobile devices and the personal information stored on them.

Commissioner McArthur made 11 recommendations in the report, *Mobile Device Management in BC Government*. He urged government to clarify, document, and effectively communicate responsibility for privacy and security management of mobile devices.

"Privacy management should be simple. Government employees should not have to wade through volumes of competing policies," he says. "This investigation was intended to identify potential risks before they become serious, so I recommended some important improvements in policies, training, and risk management."

The OIPC conducted the investigation concurrently with an audit by the Office of the Auditor General. Each Office published a separate report, both released on October 18, 2016. The two Offices also worked together to create a guidance document to help individuals better secure their mobile devices. ■

PRIVACY AWARE

A SURVEY OF BC RESIDENTS PROVIDES VALUABLE FEEDBACK ABOUT ACCESS TO INFORMATION AND PRIVACY AWARENESS.

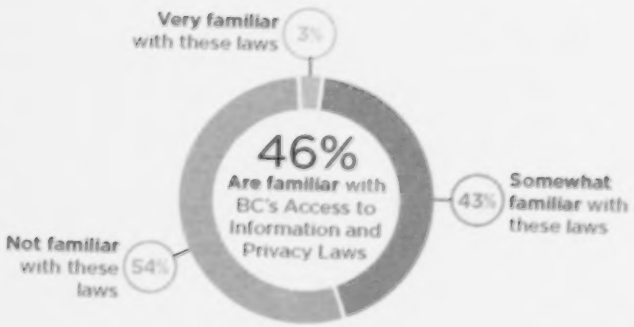
Since its establishment in 1993, the OIPC has conducted high profile investigations, issued precedent-setting orders, mediated complex matters, and provided meaningful advice to public bodies, businesses, and individuals. But until this year, the Office didn't know how knowledgeable average citizens were about BC's privacy and access to information laws or their rights under those laws. These and other questions formed the basis of a comprehensive BC Statistics resident survey, the first of its kind conducted by the OIPC. The answers, some of which are summarized below, provide important information that will help guide the Office's future outreach efforts. ■

Awareness of BC's privacy and access to information laws

Just under half of BC residents surveyed (46%) are familiar with BC's access to information and privacy laws — however, only 3% consider themselves to be very familiar with these laws.

Awareness of the *Freedom of Information and Protection of Privacy Act* (FIPPA) is higher (62%) than awareness of the *Personal Information Protection Act* (PIPA) (43%).

FAMILIARITY WITH BC'S ACCESS TO INFORMATION AND PRIVACY LAWS



AWARENESS OF FIPPA AND PIPA

Awareness of privacy and access to information rights

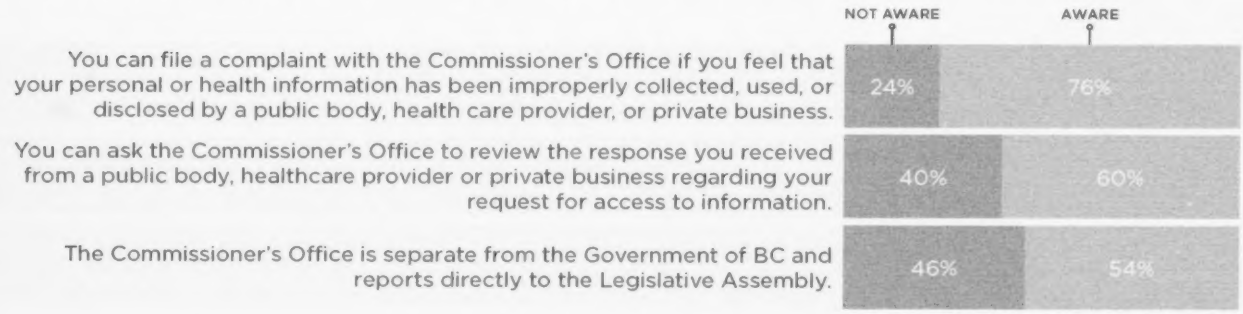
BC residents surveyed are generally aware of their privacy rights.

8-in-10 people know that they have the right to have errors in their personal information corrected, to be informed about how their information will be used, and that they can request access to their personal information.

Awareness of the OIPC

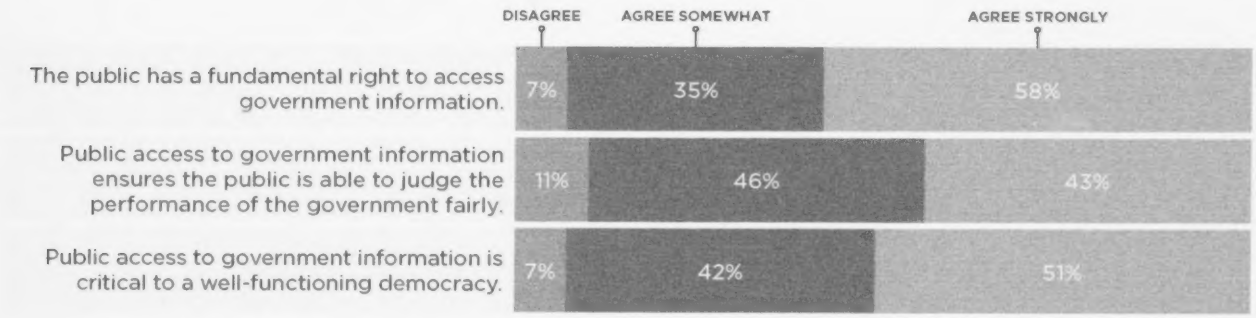
Half of BC residents surveyed (50%) have heard of the OIPC, while 68% of BC residents surveyed who have heard of the OIPC wish they were more informed about the Commissioner's Office.

Awareness of the functions of the OIPC (among those who have heard of the OIPC)


NOT AWARE
AWARE
You can file a complaint with the Commissioner's Office if you feel that your personal or health information has been improperly collected, used, or disclosed by a public body, health care provider, or private business.
24%
76%
You can ask the Commissioner's Office to review the response you received from a public body, healthcare provider or private business regarding your request for access to information.
40%
60%
The Commissioner's Office is separate from the Government of BC and reports directly to the Legislative Assembly.
46%
54%

Perceptions and attitudes about access to information

Residents surveyed believe very strongly in the public's fundamental right to access government information



YEAR IN NUMBERS

Detailed information about the 2016-17 fiscal year is presented over the next eight pages. Here is a summary of some of the key findings:

Files Received

The OIPC received 8,318 files in 2016-17. In 2015-16, 9,022 files were received.

-8%

Requests for Information

The OIPC received 4,788 requests for information in 2016-17. 5,737 requests were received in 2015-16.

-17%

Complaints

The Office received 695 privacy and access complaints in 2016-17 compared to 582 in 2015-16.

+19%

Time Extensions

The OIPC received 1,282 requests by public bodies and private organizations for time extensions in 2016-17 compared to 734 in 2015-16.

+75%

Privacy Impact Assessments

In 2016-17, the Office reviewed 49 PIAs compared to 48 in 2015-16.

+2%

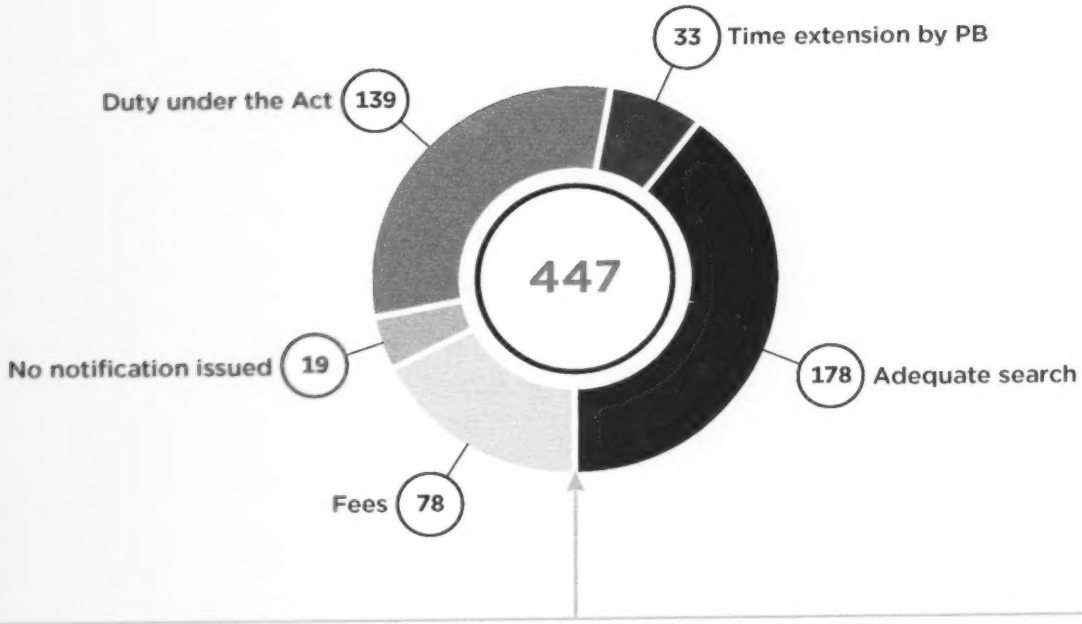
Privacy Breaches

The OIPC received 166 privacy breach notifications in 2016-17. In 2015-16, the Office received 154.

+8%

Summary of all FIPPA and PIPA files received and closed in 2015-16 and 2016-17

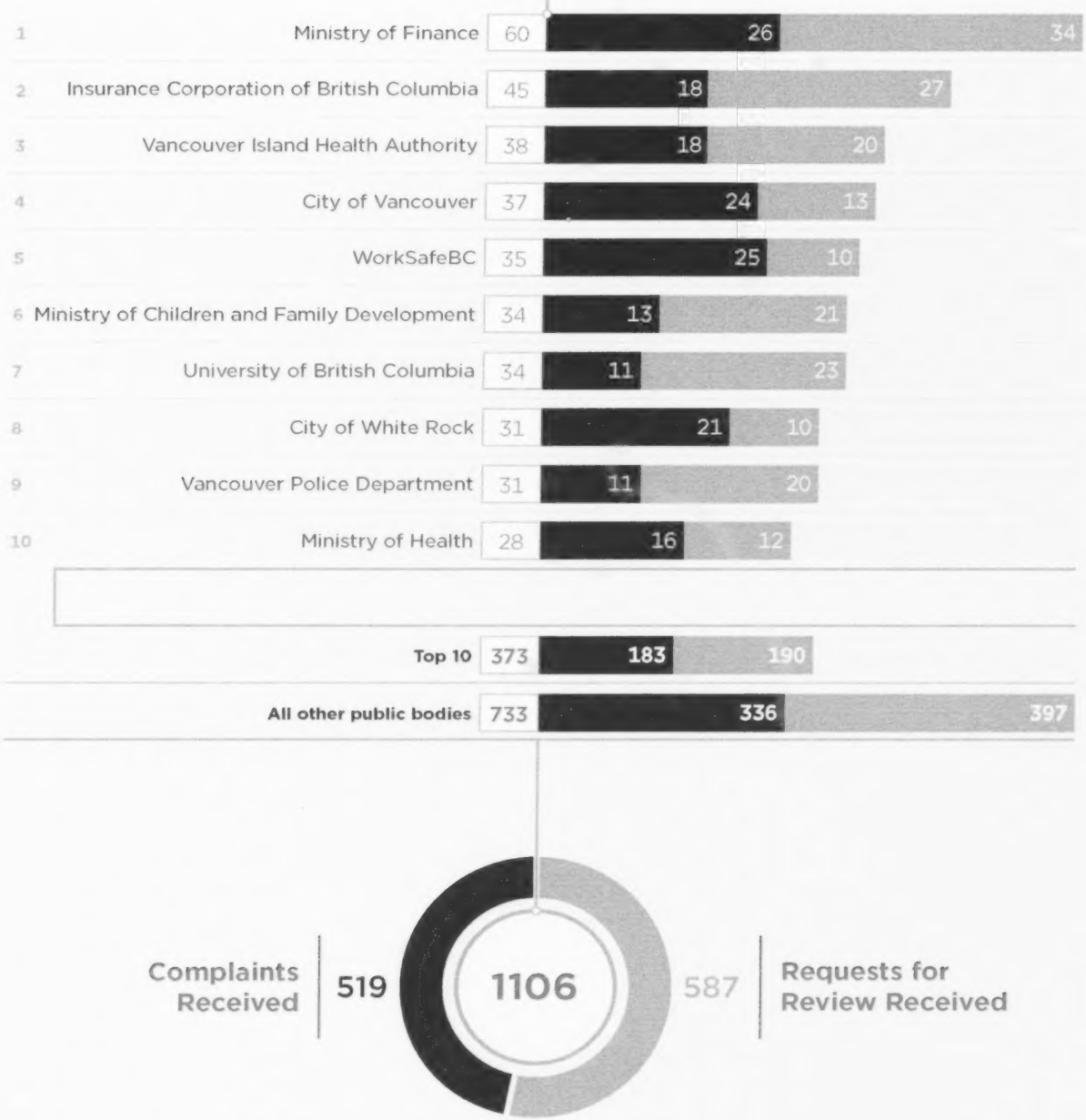
FILE TYPE	Received 16/17	Closed 16/17	Received 15/16	Closed 15/16
Complaints				
Access complaints	447	503	375	366
Privacy complaints	248	275	207	205
Requests for review				
Requests for review of decisions to withhold information	446	613	494	502
Deemed Refusal	197	195	216	210
Applications to disregard requests as frivolous or vexatious	9	6	3	3
Time extensions				
Requests by public bodies and private organizations	1,282	1,279	734	734
Requests by applicants seeking a review	12	10	7	7
Reconsideration of decisions				
Internal reconsideration of OIPC decisions	41	44	32	32
Information requested				
Requests for information and correspondence received	4,788	4,796	5,737	5,738
Media inquiries	134	134	286	286
FOI requests for OIPC records	17	17	16	18
Non-jurisdictional issue	11	11	11	9
No reviewable issue	91	90	137	142
Files initiated by public bodies and private organizations				
Privacy impact assessments	49	38	48	37
Privacy breach notification	166	164	154	140
Public interest notification	11	10	20	21
Policy or issue consultation	186	167	187	159
Police Act/Independent Investigations Office reports	11	11	5	4
Request for contact information (research)	1	2	1	1
OIPC initiatives				
Investigations	11	7	9	9
Legislative reviews	18	21	43	29
Projects	17	28	55	65
Public education and outreach				
Speaking engagements and conferences	41	60	52	75
Meetings with public bodies and private organizations	7	17	137	139
Site visits	1	1	0	0
Other (section 56 and internal reviews)	76	63	56	35
TOTAL	8,318	8,562	9,022	8,966



Type of Access Complaints Received in 2016-17

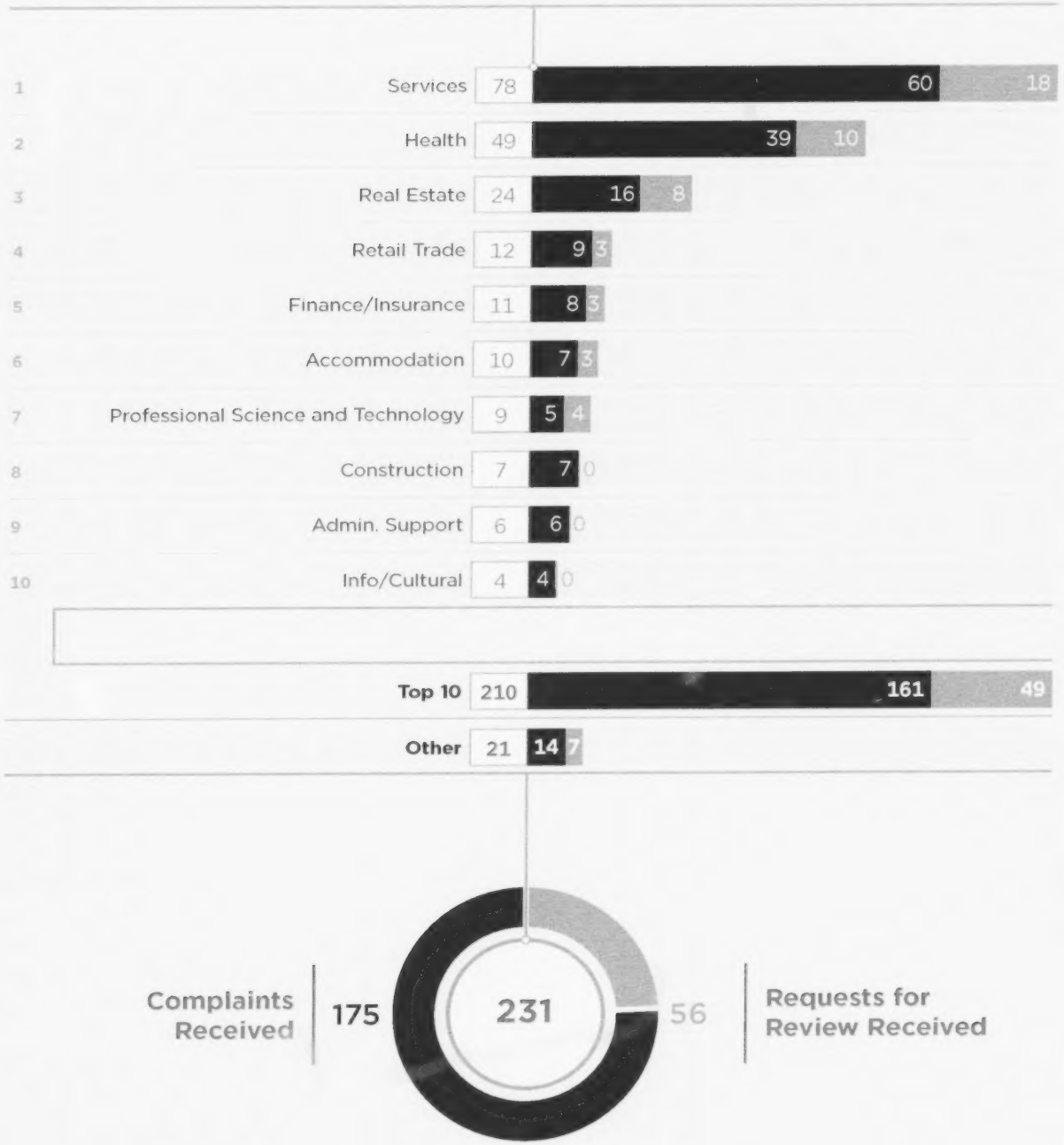
Type of Privacy Complaints Received in 2016-17

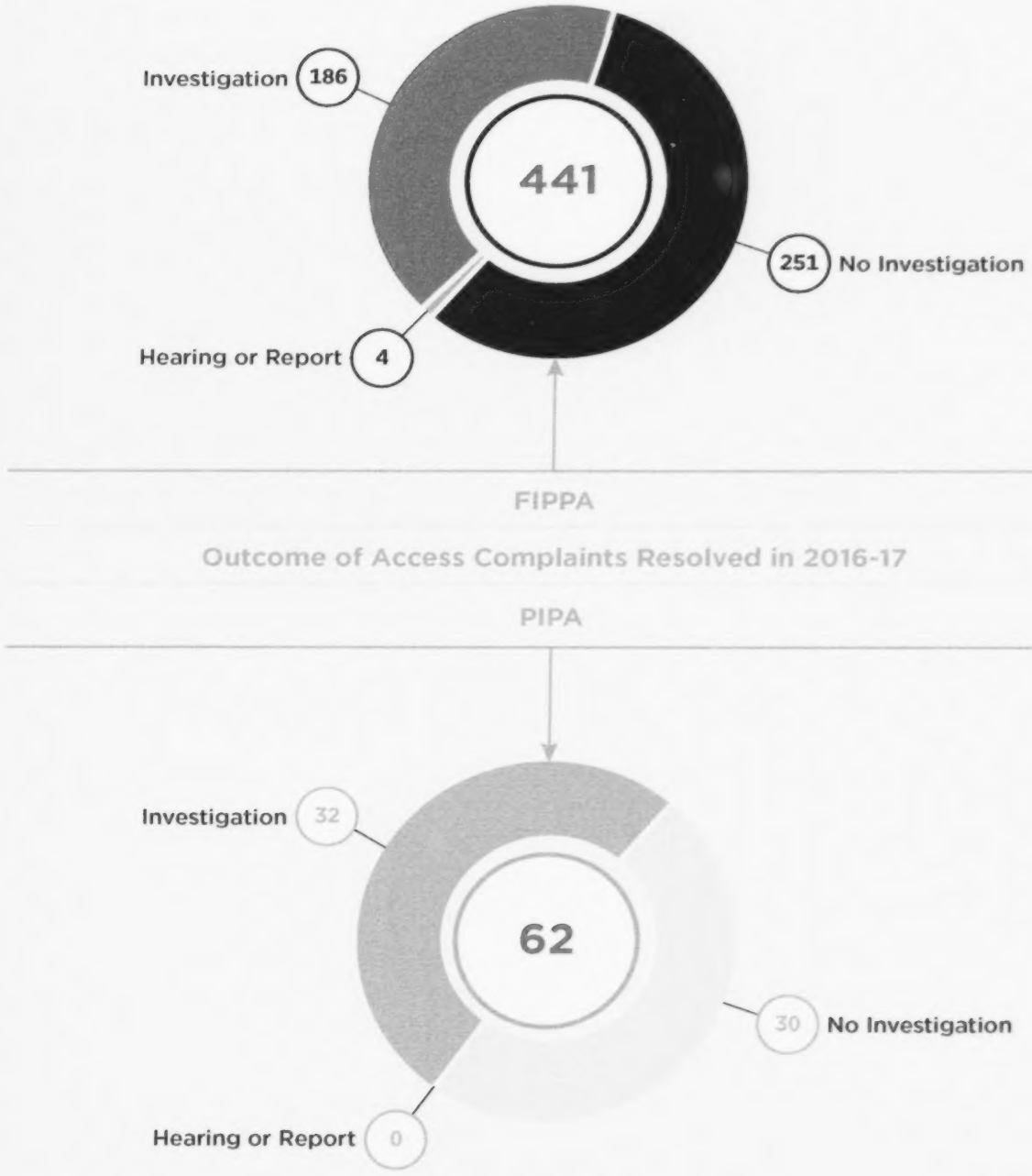
Number of FIPPA complaints and requests for review received in 2016-17 by public body


1 Ministry of Finance 60 26 34
2 Insurance Corporation of British Columbia 45 18 27
3 Vancouver Island Health Authority 38 18 20
4 City of Vancouver 37 24 13
5 WorkSafeBC 35 25 10
6 Ministry of Children and Family Development 34 13 21
7 University of British Columbia 34 11 23
8 City of White Rock 31 21 10
9 Vancouver Police Department 31 11 20
10 Ministry of Health 28 16 12
Top 10 373 183 190
All other public bodies 733 336 397
Complaints Received
519
1106
587
Requests for Review Received

NOTE: The number of requests for review and complaints against a public body does not necessarily indicate non-compliance, but may be reflective of its business model or quantity of personal information involved in its activities. The majority of ICBC requests for review, for example, are filed by lawyers performing due diligence on behalf of clients involved in motor vehicle accident lawsuits.

Number of PIPA complaints and requests for review received in 2016-17 by sector

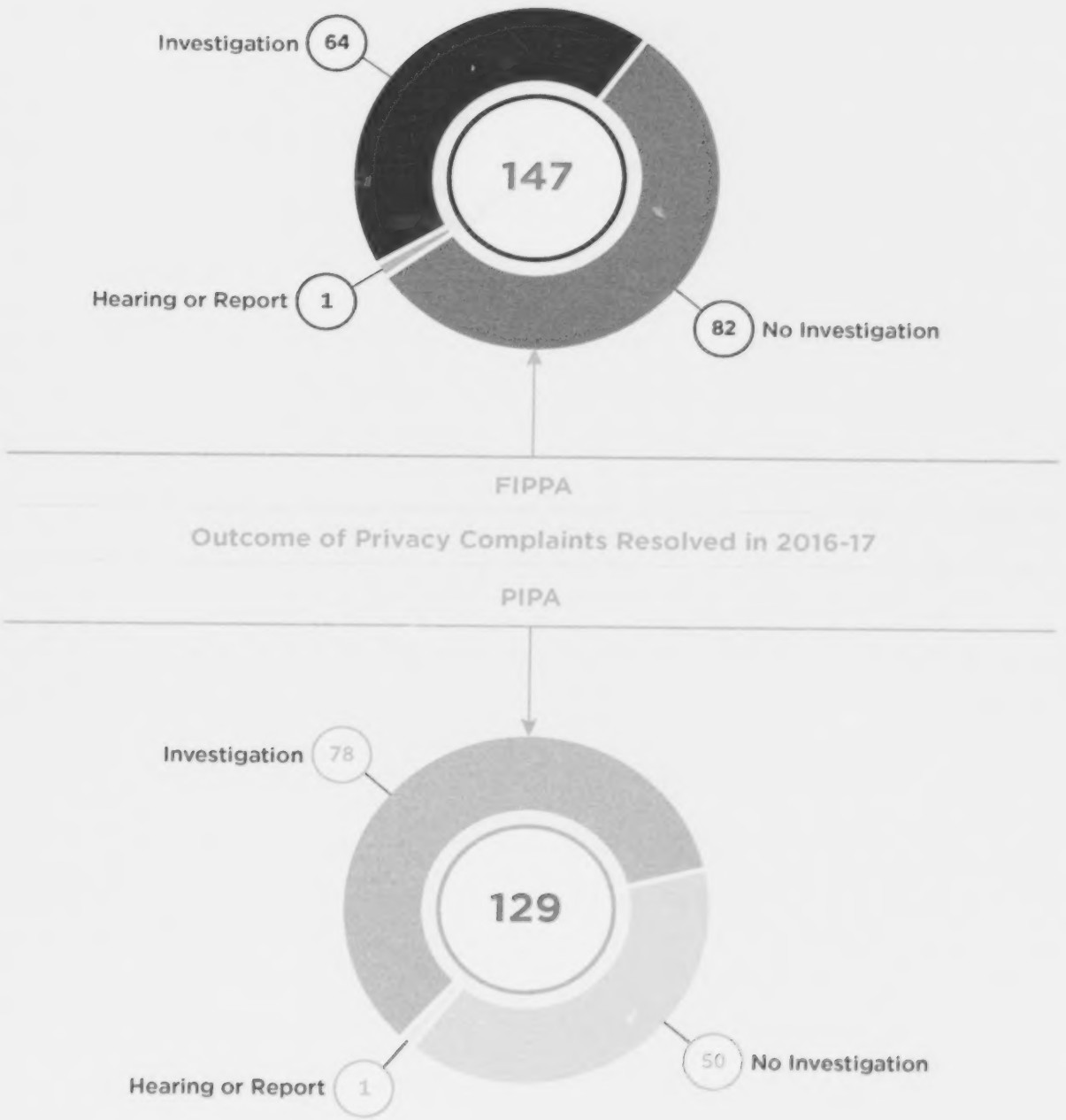

1 Services 78 60 18
2 Health 49 39 10
3 Real Estate 24 16 8
4 Retail Trade 12 9 3
5 Finance/Insurance 11 8 3
6 Accommodation 10 7 3
7 Professional Science and Technology 9 5 4
8 Construction 7 7 0
9 Admin. Support 6 6 0
10 Info/Cultural 4 4 0
Top 10 210 161 49
Other 21 14 7
Complaints Received
175
231
56
Requests for Review Received



Investigation: Includes files the OIPC mediated, not substantiated, partially substantiated, and substantiated.

No Investigation: Includes files the OIPC referred back to public bodies, withdrawn files, or files the OIPC declined to investigate.

Hearing or Report: Refers to files that proceeded to inquiry and/or a report was issued.



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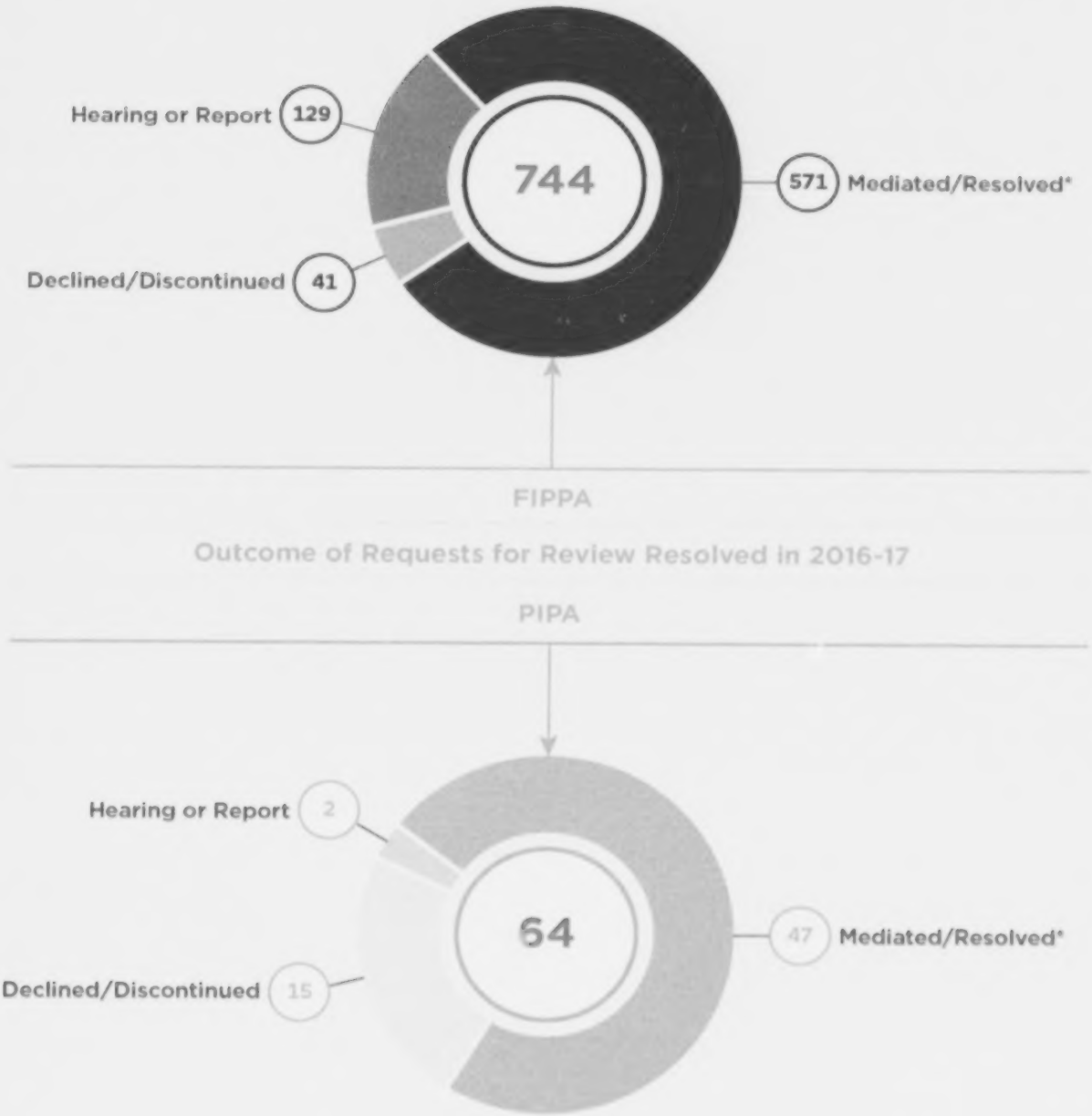
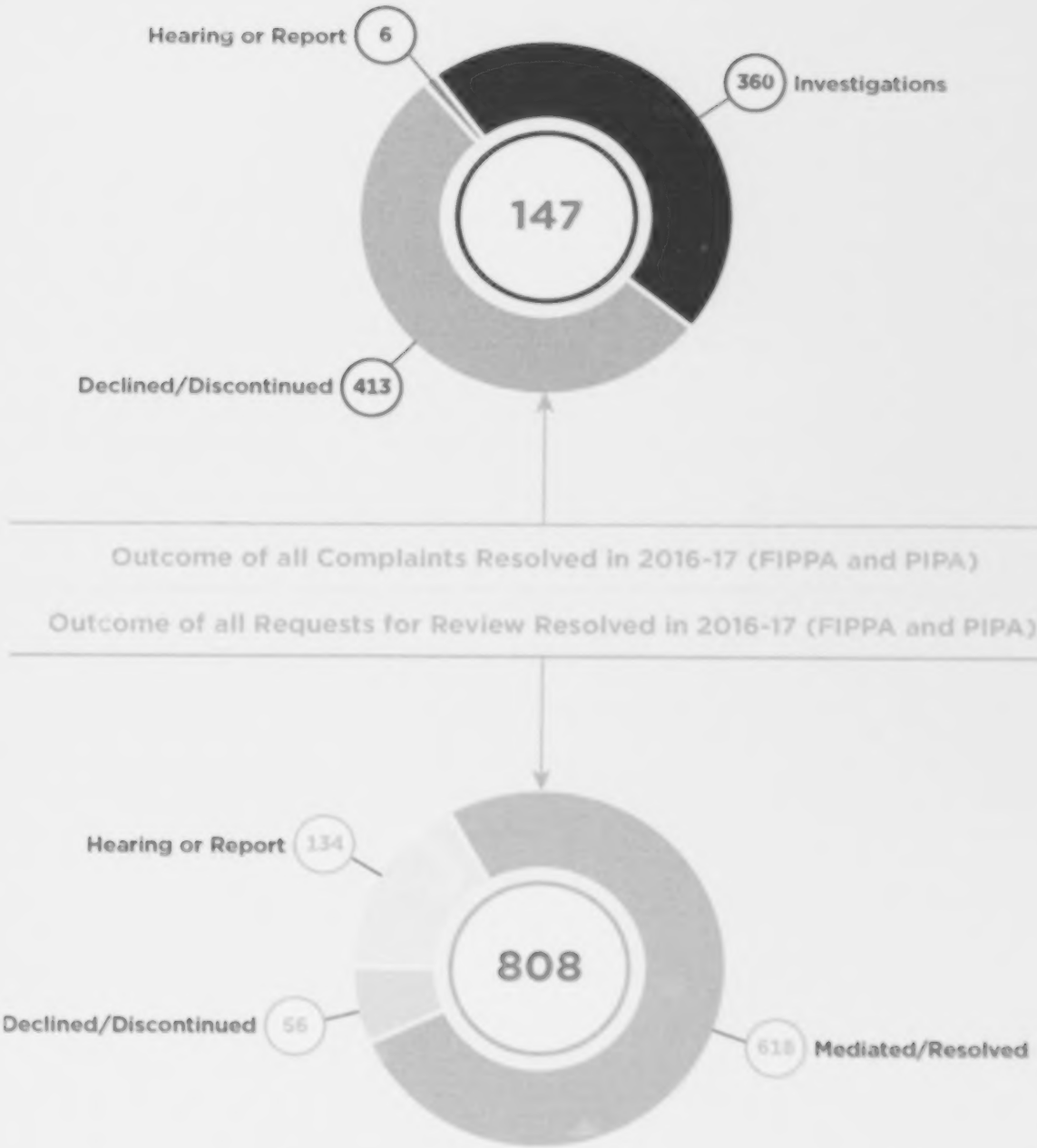


* **Mediated/Resolved:** Includes files that were mediated, withdrawn, referred to public bodies, or subject to the consent, order, or other decision by Commissioner.


Hearing or Report
6
360
Investigations
147
Declined/Discontinued
413
Outcome of all Complaints Resolved in 2016-17 (FIPPA and PIPA)
Outcome of all Requests for Review Resolved in 2016-17 (FIPPA and PIPA)
Hearing or Report
134
808
Declined/Discontinued
56
618
Mediated/Resolved

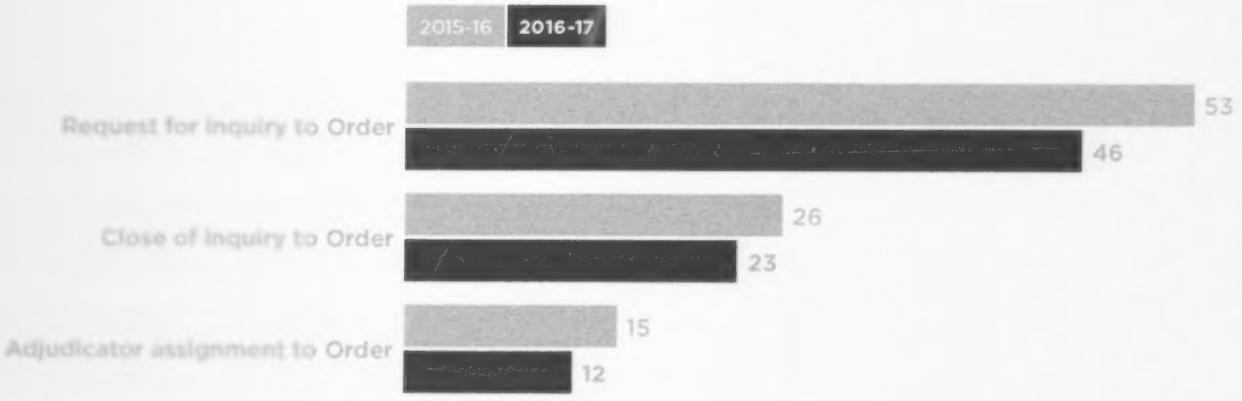
ADJUDICATION

The number of inquiry requests to the Office increased from 102 in the year previous to 108 in this fiscal. The number of active inquiries at year-end also rose to 98 from 75 in 2015-16. In total, adjudicators issued 51 orders, a decrease from 81 orders in the previous fiscal. This decline was due to the loss of experienced adjudicators and the subsequent need to hire and train new staff. We expect the number of orders to increase over the next fiscal.

Each order addresses a unique set of circumstances. Order F16-52, for example, involved records relating to a vacation taken by the Premier. The Office of the Premier withheld records and information under s. 15 (disclosure harmful to law enforcement), s. 16 (disclosure harmful to intergovernmental relations or negotiations), s. 19 (disclosure harmful to individual or public safety) and s. 22 (disclosure harmful to personal privacy). After analyzing the matter, the adjudicator found that the Premier's Office properly withheld some of the information but ordered the disclosure of other records requested by the applicant.

Orders sometimes serve to clarify certain provisions of the *Freedom of Information and Protection of Privacy Act*, as was the case with Order F16-36. In that case the adjudicator reviewed previous orders that had conflicting interpretations of s. 22(2)(c) of FIPPA, which applies to personal information relevant to a fair determination of the applicant's rights. The adjudicator ordered BC Emergency Health Services to release a 911 transcript related to an accident between two cyclists. The applicant was one of the two cyclists involved and had been seriously injured. The adjudicator determined that the disclosure of the 911 call including the identity of the other cyclist would not be an unreasonable invasion of the other cyclist's personal privacy because it was relevant to a fair determination of the applicant's rights in potential litigation. ■

Timeline in weeks



ADJUDICATION *...continued*

2015-16 **2016-17**

Number of inquiries requested

+5%

2015-16 **2016-17**

Number of active inquiries at the end of the fiscal year

+23%

2015-16 **2016-17**

Inquiries cancelled or withdrawn

-9%

2015-16 **2016-17**

Orders issued

-37%

FINANCIAL REPORTING

Nature of operations

The Information and Privacy Commissioner is an independent Officer of the Legislature, whose mandate is established under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Personal Information Protection Act* (PIPA). FIPPA applies to more than 2,900 public agencies and accords access to information and protection of privacy rights to citizens. PIPA regulates the collection, use, access, disclosure and retention of personal information by more than 380,000 private sector organizations.

The Commissioner has a broad mandate to protect the rights given to the public under FIPPA and PIPA. This includes conducting reviews of access to information requests, investigating complaints, monitoring general compliance with the Acts, and promoting freedom of information and protection of privacy principles.

In addition, the Commissioner is the Registrar of Lobbyists and oversees and enforces the *Lobbyists Registration Act*.

Funding for the operation of the Office of the Information and Privacy Commissioner is provided through a vote appropriation (Vote 5) of the Legislative Assembly. The vote provides separately for operating expenses and capital acquisitions, and all payments or recoveries are processed through the Province's Consolidated Revenue Fund. Any unused appropriation cannot be carried forward for use in subsequent years.

As well, part of the Office's funding is dedicated solely for the purpose of carrying out judicial review work, such as proceedings brought against the Office of the Information and Privacy Commissioner. Any portion of the dedicated funding that is unused for that purpose during the fiscal year is returned to the Consolidated Revenue Fund at fiscal year-end.

Accounting policies and procedures

This financial reporting has been prepared per the policies and procedures as set out in the Province of British Columbia's Core Policy and Procedures Manual (or CPPM), found at: **http://www.fin.gov.bc.ca/ocg/fmb/manuals/CPM/CPMtoc.htm**. Section 1.2.4, Governance, Application, describes the entities that are required to follow the CPPM which includes the Office of the Information and Privacy Commissioner.

Voted, used and unused appropriations

The Office receives approval from the Legislative Assembly to spend funds through an appropriation that includes two components: operating and capital. Any unused appropriation cannot be carried forward for use in subsequent years.

The following table compares the Office's voted appropriations, total operating and capital expenses, and the total remaining unused appropriation (unaudited) for the current and previous fiscal year:

	2016-17		2015-16	
	Operating	Capital	Operating	Capital
Appropriation	$5,964,000	$45,000	$5,636,000	$45,000
Total operating expenses	$5,857,303	-	$5,624,101	-
Capital acquisitions	-	$24,596	-	$31,747
Unused appropriation	$106,697	$20,404	$11,899	$13,253

Tangible capital assets

Tangible capital assets are recorded at historical cost less accumulated depreciation. Depreciation begins when the asset is put into use and is recorded on the straight-line method over the estimated useful life of the asset.

The following table shows the Office's capital assets (unaudited):

	2016-17			2015-16
	Closing Cost	Closing Accumulated Amortization	Net Book Value (March 31/16)	Net Book Value (March 31/15)
Computer hardware and software	$282,785	-$248,114	$34,671	$39,130
Tenant improvements	$552,302	-$552,302	$0	$0
Furniture and equipment	$95,403	-$79,973	$15,430	$18,742
Leasehold commitments	**$930,490**	**-$880,389**	**$50,101**	**$57,872**

Leasehold Commitments

Total payments for occupancy costs for the fiscal year 2016-17 were $613,658. Payments to 947 Fort Street Holdings Ltd. for office space for fiscal 2017-18 are estimated at $615,124.

RESOURCES

Getting started

- Guide to OIPC processes (FIPPA and PIPA)
- A guide to PIPA for businesses and organizations
- A guide to FIPPA for individuals
- Early notice and PIA procedures for public bodies

Access (general)

- How do I request records?
- How do I request a review?
- Instructions for written inquiries
- Time extension guidelines for public bodies
- Guidelines for conducting adequate search investigations (FIPPA)

Privacy (general)

- Guidelines to develop a privacy policy
- Guide to using overt video surveillance
- Privacy proofing your retail business
- Protecting personal information away from the office
- Identity theft resources
- Privacy guidelines for landlords and tenants
- Privacy emergency kit

Audit & compliance

- Audit and Compliance Program Charter

Comprehensive privacy management

- Getting accountability right with a privacy management program
- Accountable privacy management in BC's public sector

Privacy breaches

- Key steps to responding to privacy breaches
- Breach notification assessment tool
- Privacy breach policy template
- Privacy breach checklist
- Privacy breaches: tools and resources

Technology and social media

- Mobile devices: tips for security & privacy
- Cloud computing guidelines (public and private sector)
- Good privacy practices for developing mobile apps
- Public sector surveillance guidelines
- Guidelines for overt video surveillance in the private sector
- Use of personal email accounts for public business
- Guidance for the use of body-worn cameras by law enforcement authorities
- Guidelines for online consent
- Guidelines for social media background checks

To request copies of these resources, or to get more information about BC's access and privacy laws, email **info@oipc.bc.ca** or visit **oipc.bc.ca**

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